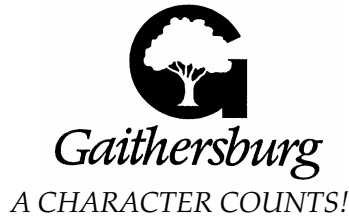


DRAFT



CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
TUESDAY, OCTOBER 3, 2006

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens (left 10:07 p.m.), Marraffa, Schlichting (arrived 7:34 p.m.), Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Police Chief Viverette, Corporals Rice, Vance and Word, Planning and Code Administration Director Ossont, Community Planning Director Schwarz, Planner Marsh, Community Development Director Kauffmann, Grants Writer Boyle, City Attorney Borten and Executive Assistant Stokes. Planning Commissioners present for the joint public hearing: Bauer, Hopkins, Kaufman, Levy and Winborne.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Community Development Director Kauffmann.

II. INVOCATION

The invocation was led by Glenn C. Calkins, Shady Grove Adventist Hospital.

III. APPROVAL OF MINUTES

Motion was made by Council Member Sesma, seconded by Council Member Edens, that the minutes of the Mayor and Council meeting held September 5, 2006, be approved.

Vote: 4-0

Motion was made by Council Member Marraffa, seconded by Council Member Schlichting, that the minutes of the Mayor and Council meeting held September 18, 2006, be approved.

Vote: 3-0-2 (Abstained: Edens and Sesma)

IV. APPOINTMENTS

Resolution Confirming Appointments and Reappointments by the Mayor

This resolution confirms the following: **Gaithersburg Senior Council**, Naresh Gupta (appointment), 9449 Fields Road, Gaithersburg, Maryland 20878, Denise Phillips (appointment), 18412 Cape Jasmine Way 20879, and Peggy Ann Rothrock (appointment), 1370 Carlsbad Drive 20879, two-year terms; **Greater Historic District Committee**, Charlie Brown (reappointment), 19 Maryland Avenue and Cathy Drzyzgula (reappointment), 16 Walker Avenue, Gaithersburg, Maryland 20877, two-year terms.

Motion was made by Council Member Alster, seconded by, Council

Member Marraffa, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENTS AND REAPPOINTMENTS TO THE GAITHERSBURG SENIOR COUNCIL AND GREATER HISTORIC DISTRICT COMMITTEE (Resolution No. R-96-06), be approved.

Vote: 4-0

V. PRESENTATIONS

1. Introduction of Newly Promoted Supervisory Personnel – Police Department

Chief Viverette announced the following three recent promotions at the City Police Department:

- Master Police Officer Lester Rice to Corporal
- Master Police Officer Chris Vance to Corporal
- Master Police Officer Pat Word to Corporal

2. Proclamations

- Mayor Katz issued a Proclamation of the Mayor and City Council designating October 2006, as “*National Breast Cancer Awareness Month*” and October 20, 2006, as “*National Mammography Day*” in the City of Gaithersburg. Beverly Iannone (cancer survivor), accepted the Proclamation.
- Mayor Katz issued a Proclamation of the Mayor and City Council designating October 2006, as “*National Community Planning Month*” in the City of Gaithersburg. Planning Commissioner Bauer was joined at the podium by Planning and Code Administration Director Ossont and Community Planning Director Schwarz to accept the Proclamation.

3. City Manager’s Day Laborer Report

City Manager Humpton read the following statement:

“At the last Mayor and Council meeting on September 18th, I reported that a potential location for an employment center at local shopping center within the City was being investigated. At that time I stated that staff believed the site met the spirit of the task force criteria, and the needs of the workers and the contractors. The owner’s of the center were very concerned about this use and asked us to arrange a tour of an existing employment center so they could observe the operation, how the center was built-out, and the maintenance and upkeep of the facility. That visit went very well and the owners agreed to draft a letter of intent, which was sent to us last week.

Yesterday, I issued a press release identifying the site, which is located in the Festival at Muddy Branch Shopping Center on Muddy Branch Road. Staff believes this is an excellent location. It is centrally located, is directly on a bus route, is not near a school, and the workers will not likely travel through residential neighborhoods to access the center.

Time is of the essence here. A letter of intent does not bind the owner to this use. The space can still be rented to another concern at any time. I have scheduled a special Mayor and Council work session has been scheduled for Thursday, October 12, 2006 at 7:30pm, City Hall, to discuss this matter. At the work session I would need to get an official endorsement of the site in order to move forward from the Mayor and City Council.

Our expectation is that Montgomery County will be responsible for negotiating and executing a lease and paying all fit-up and occupancy expenses for an employment center; just as they have done in Wheaton and Silver Spring. We have also communicated on many occasions our strong desire that the operator of the center be a faith-based, nonprofit organization knowledgeable of the local community.

All of this, and a number of other associated points would be documented in a memorandum of understanding between the City and the County. With our press release I included a *summary* of what we believe are key points about the responsibilities of each party but a final agreement needs to be negotiated. County staff has indicated that those negotiations will only begin in earnest after the City has endorsed a site.

With regard to 17 North Frederick Avenue, I ask for continued patience from the neighboring businesses and residences. The outcome of next week's public discussion will clearly have a bearing on how the City needs to proceed. To do anything prior to this meeting may be counter-productive in our dealings with Montgomery County. The City will continue to closely monitor the site and remains steadfast that this is not an appropriate employment site. If it meets the Council's approval, I will ask the City Attorney to work with Planning Director Ossont and Police Chief Viverette to draft an anti-solicitation ordinance for introduction at soon as possible. I will recommend adoption of such an ordinance until a site for a center has been identified.

On another note, a coalition of local religious leaders held an organizational meeting last week and has indicated that they want to get more involved in this issue. We certainly welcome input from this new group and look forward to meeting with them soon."

VI. PUBLIC APPEARANCES

1. *Demos Chrissos, Tschiffely Square Road*, referred to the new proposed site for an employment center and expressed opposition because of a school in the area. He further stated that current tenants at the Muddy Branch Festival Shopping Center were not aware of the proposed center.
2. *Richard Arkin, 121 Selby Street*, asked that the City become more creative and move the proposed employment site from one residential neighborhood into another. Stated that he was not able to stay, but submitted written testimony for the affordable/workforce housing public hearing. Referred to T-372 and asked the Mayor and City Council to defer action and to reopen the record to allow for public comment. He expressed concern that the original proposal of the text amendment has changed. City Attorney Borten reported that it was publicly announced at the Mayor and City Council meeting to close the record on September 27, 2006.
3. *Dan Searles, Walker Avenue*, stated that the new proposed site for an employment center meets most of the criteria of the Day Laborer Task Force. He expressed support for the City to move forward stating that the fight is at the national, state, and county level.
4. *Cathy Drzyzgula, 16 Walker Avenue*, referred to the proposed site for an employment center stating that the site does meet the criteria of the Day Laborer Task Force. She expressed support for a special work session to further discuss the proposed site.
5. *Stephen Schreiman, Minuteman member*, asked for an explanation as to why citizens should accept an illegal taxpayer supported day laborer center in Gaithersburg. He stated that day laborer problems have not been solved in other jurisdictions and that enforcement of the current laws prohibiting illegal immigration to Maryland should start at the local level.
6. *Bob Drzyzgula, 16 Walker Avenue*, stated that the national issues can't be solved at the local level. He expressed support for the efforts of City Manager Humpton and staff. Expressed that the proposed site is not perfect, but acceptable. He stated that the center would allow the City to enact an anti-solicitation ordinance and move the gathering from a residential area to a buffered shopping center.
7. *Father Mark Brennan, St. Martins Church*, agreed with others not to solve national issues on the local level. Asked that the residents come together to find a solution for those that want to work within our community. Stated that he and other clergy favor a permanent site rather than a temporary site. Asked for confirmation from Police Chief Viverette that no violence in the community has been contributed to day laborers.

8. *Eydie Searles, 18 Walker Avenue*, thanked the Mayor and City Council and staff for their continued good work to find a solution to a complicated community issue. She urged the public to consider the proposed site and give input at the scheduled special work session.
9. *Clark Day, 26 Walker Avenue*, opposed to the opening of a day laborer site without an adopted anti-solicitation ordinance in place.
10. *Michael Stumborg, Walker Avenue*, responded to Father Brennan's comment regarding violence in the area relating to day laborers. He stated that a small, but persistent minority of day laborers do commit criminal acts that are non-violent. He referred to two recent incidences of criminal acts in his neighborhood.
11. *Susan Payne, Gaithersburg*, responded to Dan Searles comments and stated that what happens in Gaithersburg effects everyone in Montgomery County. She stated that the funds for the proposed employment center will come out of the taxpayer's pockets in the County. Read a letter from the Nillis Corporation regarding the inquiries of the proposed employment center and stated that the proposed center is still being evaluated.
12. *Prentiss Searles, Walker Avenue*, stated that incidents in his neighborhood have been non-violent crimes. He commended City staff on their efforts to find a solution to neighborhood concerns. Expressed support for the proposed site for an employment center, but stated an anti-solicitation ordinance is needed.
13. *Inaudible, legal immigrant*, expressed support for the day laborers stating that they are not statistics and not faceless. He further stated that even though that illegal immigration is a national issue, he asked that the City take action and address it as a humanity issue.

VII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Member Alster

1. Thanked City Manager Humpton and staff for their efforts to locate a site for the proposed employment center in Gaithersburg.
2. Stated he, Council Members Schlichting and Sesma and City staff attended a Regional Leadership Conference on Green Building on Friday, September 29, 2006. Expressed the need for the City to push for more green building designs in commercial, industrial and residential structures in the City. He commended staff for their efforts to reduce the consumption of energy with the City Hybrid vehicles and the reusable energy source agreement with the County.
3. Announced the 15th Anniversary of Oktoberfest in the Kentlands on Sunday, October 8, 2006, noon to 4 p.m. at the Kentlands Village Green. The event is co-sponsored by the Kentlands Citizens Assembly.
4. Attended the ribbon cutting ceremony for the renovated ballroom at the Marriott at RIO in Gaithersburg.

Council Member Marraffa

1. He attended along with Mayor Katz and Council Member Alster several ribbon cuttings for new local businesses (Addis Café and Commerce Bank).
2. Reported the Montgomery County Planning Department in collaboration with the Coalition for Smarter Growth and the Urban Land Institute hosted a community discussion luncheon for community and business leaders which he attended on September 27, 2006.

Council Member Sesma

1. Echoed thanks to staff for their hard work and search for the proposed employment center.
2. Congratulated and recognized the leadership of the newly promoted Corporals (Rice, Vance and Word) of the City Police Department.
3. Stated City Council Members and staff received ideas at the Green Building Conference mentioned above which can be implemented in the City for the use and application to enhance the City's new construction, redevelopment, and adaptive reuses.
4. Thanked the public for attending meetings to give their input on issues the City is addressing such as the employment center and affordable housing.
5. Announced that the Mayor City Council held a closed executive session on Monday, September 25, 2006 at approximately 8:40 p.m., following the scheduled work session to obtain legal advice from City Counsel and discuss various legal issues related to permitting/zoning and operation of a day laborer center, and enforcement of zoning regulations. The meeting adjourned at approximately 9:45 p.m.

Council Member Edens

1. Thanked staff for their time and effort for seeking an employment center.
2. Referred to staff's request for guidance for an anti-solicitation ordinance and expressed support with moving forward with the process. The Mayor and City Council all concurred to move forward.

Council Vice President Schlichting

1. Commented on the Green Building Conference mentioned above stating that it was sponsored by the Metropolitan Washington Council of Governments which he serves on the Board of Directors. Accompanying City Council Members were Assistant City Manager Felton, Environmental Services Director Shingara, and Environmental Specialist Golfer. He noted that in the packages they received were lists of elected officials participating and he reported that there were 16 from the State of Maryland, 11 of who were from Montgomery County and three from Gaithersburg. He added that the State of Virginia only had five in attendance.
2. Announced vacancies on various City Committees, Commissions, and Boards.

Mayor Katz

1. Echoed thanks to staff for their efforts on the many topics the City is addressing.
2. Received a suggestion from a citizen proposing that the City install a public time speaking system similar to the City of Rockville.
3. Announced the following upcoming Mayor and City Council meetings:
 - Special meeting for public hearings only on Monday, October 9, 2006, for a Joint Public Hearing "Adequate Public Facilities Ordinance" and a Public Hearing Before the Historic District Commission for HAWP-37E, Applicant Stephen Orens for Hamza/Halici, Inc., Request for Demolition of the Historic Talbott House (Hair Bar) at 309 North Frederick Avenue
 - Special Work Session on Thursday, October 12, 2006, for an employment center at the Festival at Muddy Branch Shopping Center.

- Regular meeting scheduled for Monday, October 16, 2006. He added that all meeting begin at 7:30 p.m. in the Council Chambers at City Hall.

VIII. JOINT PUBLIC HEARINGS

1. **SDP-06-003, Application Requests to Amend the Previously Approved Schematic Development Plan, SDP-L5, Lakelands Lane in the Woods, The Current Application (SDP-06-003) Requests Modification to Pedestrian Facilities, Landscape, Lighting, and Tot Lot Removal. The Subject Property is Located in the Lakelands subdivision and is in the Mixed Use Development (MXD) Zone**

Planning and Code Administration Director Ossont stated the above joint public hearing was advertised in the *Gaithersburg Gazette* on both September 15 and 20, 2006. He stated that the applicant and staff determined that some elements of the originally approved plan were not feasible or in some cases the Lakelands community had requested changes. He further stated that staff is working on three concurrent, but separate processes such as plan amendments, bond release, and the reconciliation of any added or deleted elements from the plan. He stated that once the plan is amended and staff completes the bond release process, then the City will be able to complete the acceptance of public infrastructure as well of the dedication of common areas to the community. He reminded the Mayor and City Council and Planning Commission that the purpose of the joint public hearing is to review the amendments to the plan.

Mr. Ossont along with Gary Unterberg of Rodgers Consulting oriented the City Council and Planning Commission to the site and discussed the limits of Schematic Development Plan (SDP) L5. The following proposed amendments were reviewed: Fence at Lots 41-56 – request not to have it installed by the developer and the community and that it be deleted from the plan due to potential interference of future decks, porches or play equipment; Bridges – originally two bridges were proposed to provide connectivity of the communities over the Muddy Branch Creek. An alternative in conjunction with the MD Route 28 upgrades was suggested and completed and incorporated into the plan; Tot Lot – Lakelands community requested and received \$9,410 in lieu of the tot lot equipment in 2004; Pathway at Lots 74-75 – SDP indicated a paved pathway connection between the two referenced units, but the residents requested that the area not be paved and left natural until future development at the GE Tech Park; and Pathway Connecting Turtle Pond to MD Route 28 – originally a natural pathway intended, but due to the terrain, steep slopes and stream crossings, the application now proposes a loop at Trail Marker #9. Mr. Ossont mentioned that the applicant is not proposing any modifications to the bio-retention pond. The pond is still a subject of concern for the residents.

Speakers from the public:

1. *Ned McGowan, 935 Linslade Close*, stated he sent a letter to the City in 2002 in reference to the proposed paths that were never built and questioned reconciliation. He further stated he did receive notification of the public hearing.
2. *Ron Smith, 850 Still or South Creek Lane*, asked that the community be given money per the amenities agreement for any removal of an amenity. He expressed concern that several items were not completed according to the plan and that problems still exist. He added that the retention pond is eyesore.

There were no other speakers at the hearing.

Mr. Ossont stated that several issues are being addressed for resolution as well reconciliation to the community. In response to questions, he stated that some of the issues raised are related to the bond release. In response to a question he stated that the Planning Commission would not be asked to make a determination on the reconciliation amounts.

Motion was made by Commissioner Levy, seconded by Commissioner Kaufman, to close the Planning Commission record on SDP-06-003, October 13, 2006, 5 p.m.

Vote: 5-0

Motion was made by Council Member Alster, seconded by Council Member Sesma, to close the City Council record on SDP-06-003, November 1, 2006, 5 p.m.

Vote: 5-0

Mayor Katz recused himself from the meeting for the next agenda item due to a potential conflict. Council Vice President Schlichting presided.

2. A Public Hearing on Two Alternate Ordinances to Amend Chapter 24 of the City Code Entitled "Zoning" so as to Create New Article XVI Entitled "Affordable Housing Requirements" so as to Require the Inclusion of Moderately Priced Dwelling Units (MPDU) and Work Force Housing Units (WFHU) in New Residential Developments

Assistant City Manager Felton stated the above joint public hearing was advertised in the *Gaithersburg Gazette* on both September 15 and 22, 2006. A series of work sessions and discussions on affordable housing began in November 2005. During the August 14, 2006 work session, it was determined that the City should move forward with considering an ordinance to establish the base developer obligations and then adopt regulations to fully implement the City's housing policy. Due to the issues raised, staff drafted two alternative ordinances for consideration. Mr. Felton stated that both alternative ordinances would require developers who construct 20 or more for-sale dwelling units to construct 7.5 percent MPDUs and 7.5 percent WFHUs in new developments and redevelopments. He further stated that both alternative ordinances would require those developers who construct 20 or more rental units to construct at least 15 percent of the units as MPDUs and that those units would remain under control for a period of 30 years. He noted that there was not a consensus on this issue and that modifications can be made during the hearing process. Under the proposed alternative ordinances, waivers would be permitted under limited circumstances.

Assistant City Manager Felton stated that the practical difference in the two alternatives is how affordable housing is treated in the Olde Towne Central Business District. Alternative #1 would treat Olde Towne just like the remainder of the City. Alternative #2 would exempt projects in the Olde Towne Central Business District, but require developers to pay a fee in lieu of constructing the affordable units. Those fees would be used by the City to provide additional affordable housing opportunities throughout the City. During the hearing process, it could be determined that Olde Towne be exempted completely.

Commissioner Bauer questioned if the units were identified individually or part of the mix that happens when they are sold or put on the market. Mr. Felton responded that this would be covered in the regulations, but the process currently be used for the Crown SDP is a staging and location plan. He stated that the Planning Commission would be the regulatory body to make sure adequate distribution is occurring. In response to a question from Council Member Sesma, Assistant City Manager Felton stated that the staff team has completed a draft of the regulations, received input from the City Council, but a final review is still desired by the City Manager and City Attorney. Staff is anticipating that the regulations would be available within two weeks.

Speakers from the public:

1. *Michael Stumborg, 15 Walker Avenue*, asked that the City consider the testimony received from outside citizens, but pay closer attention to those that live within the City.

2. *Bob Drzyzgula, 16 Walker Avenue*, stated he is speaking on both alternatives and expressed opposition to requiring the construction of additional affordable housing in areas where it already exists. He stated that alternative #2 is better than the first, but not creative enough due to the fact that Olde Towne has an abundance of affordable housing. He asked that affordable housing be distributed evenly throughout the City.
3. *Cathy Drzyzgula, 16 Walker Avenue*, addressed alternative #2 and expressed concern with the developer bearing the full cost for affordable housing in Olde Towne. She asked that the City provide incentives for the developers.
4. *Linda Gore, 60 Oak Shade Road*, spoke on both proposed alternative ordinances and asked for revisions. She stated that many key sections are unclear and reflect a tentative and reluctant approach to affordable housing and asked that legislation be passed that is straight forward and strong. She further stated that the waiver provision clause is unclear.
5. *William Root, 419 Russell Avenue, Asbury Methodist Village Chapter of the Maryland Continuing Care Residents Association*, expressed support for affordable housing and asked that the City do a better job for its citizens than the County.
6. *Elaine Shire, Dwelling Place, and Ms. Jacobs, 738 Clopper Road, Dwelling Place Case Worker*, asked that Olde Towne not be exempt when considering affordable housing. She stated that their residents are single parents, low income, raising children, and in need of affordable housing near their jobs.
7. *(inaudible), Gaithersburg resident*, stated that affordable housing is needed in Gaithersburg. She further stated that the redevelopment of low income housing to luxury dwelling units will negatively impact affordable housing in the City.
8. *Eydie Searles, 18 Walker Avenue*, agreed that the City must provide affordable housing. She stated that the best way to serve those in need of affordable housing is to distribute the housing throughout the City to avoid creating poverty pockets and poorly performing schools. She asked that Gaithersburg be an integrated City and include economic diversity.
9. *Clark Day, 26 Walker Avenue*, stated that many of the WFHUs and MPDUs fall into Olde Towne. He questioned why the developers need to be penalized to come to Gaithersburg and revitalize the area. He stated that Gaithersburg needs to be redeveloped and expressed support for pending projects in Olde Towne to move forward.
10. *Patty Kaczmariski, Captains Walk Court*, expressed support for affordable housing due to the aging of rental units in Gaithersburg and a need for revitalization, but that housing is kept affordable.
11. *Jim Jacobs*, stated that many of his family members have either owned property or lived in the City. He stated that affordable housing is needed in the City. He expressed support for the alternative #2 ordinance and emphasized the need for affordable housing.
12. *Tom Rause, 101 Dogwood Drive*, stated that revitalization is necessary and expressed support for alternative #2 ordinance. He stated that revitalization in Olde Towne is necessary. He asked that the City lead the way with WFHUs and MPDUs at 7.5 percent. He asked that the housing be distributed throughout the City.
13. *Reverend Tim Warner, St. Marks United Methodist Church*, stated that members of his congregation live in Gaithersburg who will be adversely affected by pending redevelopment. He questioned the commitment to providing affordable housing for existing residents.

14. *Thomas Cowley, Devereaux Terrace*, stated affordable housing is also a concern for those outside of Gaithersburg because of where they may work. He urged the City to preserve existing units. A petition was submitted from Action in Montgomery signed by many individuals asking the City to establish a 120-day deferral on housing redevelopment.
15. *Tom King, family history and businesses in Gaithersburg*, expressed support for alternative #2 which exempts Olde Towne from the 120-day deferral of redevelopment. Stated his family is trying to redevelop an existing structure to leave a legacy for his family.
16. *Larry Luhn*, manages a forty-four unit apartment complex on North Summit Avenue. Stated that there are currently no plans for redevelopment, but the age of the building will dictate some changes. Expressed opposition to both ordinances stating they would negatively impact Olde Towne. He asked that the City stay focused on the plan to revitalize Olde Towne.
17. *James Clifford, Clifford, Debelius, Bonifant & Fitzpatrick, 320 East Diamond Avenue*, supports legislation to preserve and promote affordable housing. He asked that Olde Towne be exempted from the 120-day deferral. He stated that the deferral would put a financial burden on Olde Towne. He suggested that Olde Towne redevelopment be exempt to allow the area to be a competitive retail and residential environment for the rest of the county. He suggested using the "Fee in Lieu" requirement set forth in alternative #2, to accumulate funds to be set aside to help subsidize any new affordable housing.
18. *Prentiss Searles, 10 Walker Avenue*, stated that the charrette brought economic vitality into Olde Towne and expressed support for alternative #2.

There were no other speakers at the hearing.

Council Member Sesma expressed concern with an inventory threat of affordable housing in Gaithersburg and stated the urgency of a housing policy. He stated that the City should at least match the county's standards and figures, but be more creative and offer incentives to developers. He asked that a standard be set for affordable and work force housing at a total of 17.5 percent. He asked that the principles of Smart Growth be implemented for the whole community.

Council Member Edens and Alster concurred that the City Council should work within the proposed ordinances for public hearing and suggested another work session be scheduled if there are other issues to address such as incentives to developers and the total percentage of affordable and work force housing.

Council Vice President Schilchting reminded the City Council that during a previous work session, three council members had agreed upon the components of the base ordinance and gave direction to staff. He suggested looking at the exemption process for Olde Towne to replace it with a "Fee in Lieu."

Council Member Marraffa stated that the housing stock in Gaithersburg needs to be redeveloped. He expressed support for alternative #2 with creative incentives for developers.

In response to a timeline question about the regulations, Assistant City Manager Felton reiterated that a draft has been completed and anticipated that they would be available for review within two weeks. Staff recommended policy discussion be scheduled for the November 6, 2006 Mayor and City Council meeting. The City Council concurred that the base ordinance is required before addressing the regulations.

Commissioner Winborne expressed concern with the impact of the unit percentage over the years for Gaithersburg. Commissioner Bauer stated the Planning Commission would include the concerns in their recommendation.

Motion was made by Commissioner Levy, seconded by Commissioner Winborne, to close the Planning Commission record for the above on October 13, 2006, 5 p.m.

Vote: 5-0

Motion was made by Council Member Marraffa, seconded by Council Member Alster, to close the City Council record for the above on November 1, 2006, 5 p.m.

Vote: 5-0

Council Member Sesma noted for the record that there was no affordable housing proposed for Casey West.

Mayor Katz returned at 10:06 p.m. to preside over the remainder of the meeting.

IX. ORDINANCES, RESOLUTIONS, AND REGULATIONS

- 1. SDP-06-002 - The Goddard School, Resolution of the Mayor and City Council of Gaithersburg granting approval of schematic development plan SDP-06-002 as an amendment to schematic development plan SDP-00-002, for the conversion of office to a private educational institution for 13,000 square feet, located at 900 Wind River Lane in the Mixed Use Development (MXD) Zone, Gaithersburg, Maryland**

Planner Marsh stated that per guidance received during the September 18, 2006 Mayor and City Council policy discussion and the Planning Commission recommendation of approval, staff was directed to draft a resolution approving the Schematic Development Plan SDP-06-002, to include the approved Planning Commission conditions.

Motion was made by Council Member Alster, seconded by, Council Member Schlichting, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL OF GAITHERSBURG GRANTING APPROVAL OF SCHEMATIC DEVELOPMENT PLAN SDP-06-002 AS AN AMENDMENT TO SCHEMATIC DEVELOPMENT PLAN SDP-00-002, FOR THE CONVERSION OF OFFICE TO A PRIVATE EDUCATIONAL INSTITUTION FOR 13,000 SQUARE FEET, LOCATED AT 900 WIND RIVER LANE IN THE MIXED USE DEVELOPMENT (MXD) ZONE, GAITHERSBURG, MARYLAND (Resolution No. R-97-06), be approved.

Vote: 4-0

2. Resolution Awarding a Matching Grant

This resolution authorized the City Manager to award a matching grant to the Gateway Park at Washingtonian Center Homeowners Association for landscaping, upon determining that the project was completed as proposed, in the total amount of Five Thousand Dollars (\$5,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING A MATCHING GRANT TO THE GATEWAY PARK AT WASHINGTONIAN CENTER HOMEOWNERS ASSOCIATION (Resolution No. R-98-06), be approved.

Vote: 4-0

X. POLICY DISCUSSION AND STAFF GUIDANCE

T-372 – Ordinance to Amend Chapter 24 of the City Code (City Zoning Ordinance), Article V, Entitled, “Site Development Plans,” §24-172, Entitled, “Compliance With and Changes in Plan,” and to Create New §24-172A, Entitled, “Amendment to Site Development Plan,” so as to Revise Requirements for Amending Site Plans

Planning and Code Administration Director Ossont stated the proposed amendment was the subject of a joint public hearing on January 3, 2006 and joint work session on February 13, 2006. He stated that the text amendment would allow staff to create a consent agenda for the Planning Commission, as well as allow for small residential additions to be processed as minor amendments for properties that are subjected to a site development plan. He further stated that the text amendment would not apply to older properties which are not subject to site development plans. As part of the Planning Commission recommendation, staff was asked to install a notification requirement for the creation of a consent agenda which is reflected in Exhibit 19.

In response to an email received, Mr. Ossont stated that following staff's review of the record and documents provided, the only significant change to the amendment was the installation of the notice requirement requested by the Planning Commission. He further stated that if an adjacent property owner has issues with an application on the consent agenda, staff should be contacted and the Code would require the City to accept comment and meet with the effected homeowner. The application would then be removed from the consent agenda and sent to the Planning Commission for full review. He clarified that the vote had to be a majority, not unanimous vote for a Planning Commission hearing according to the Planning Commission Rules of Procedure.

Motion was made by Council Member Schlichting, seconded by Council Member Marraffa, that the above Ordinance (Ordinance No. O-11-06) be adopted.

Vote: 4-0

XI. FROM THE ASSISTANT CITY MANAGERS, CITY ATTORNEY AND OTHER STAFF

- **Guidance as to Whether to Introduce an Ordinance That Would Make the Montgomery County Defibrillator Code Applicable in Gaithersburg**

Assistant City Manager Felton stated that staff has done research and if the County Code did apply to Gaithersburg, there would be 15 private facilities that would be required to have defibrillators. Based on a telephone survey, eight of the 15 facilities currently have defibrillators and seven do not. Staff has no knowledge as to whether employees are properly trained as the County Code requires. The proposed ordinance would also apply to Homeowners Association fitness centers that have a staff member on duty. Mr. Felton stated that staff would investigate further.

Motion was made by Council Member Alster, seconded by, Council Member Sesma, that the above ordinance be introduced and considered for public hearing.

Vote: 4-0

XII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 10:17 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Executive Assistant